

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NEXTGEAR CAPITAL, INC.,)
)
Plaintiff,)
)
v.) Case No. 18-cv-01086-NCC
)
BANK OF SPRINGFIELD,)
)
Defendant.)

**SECOND CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S MOTION TO DISMISS**

COMES NOW Plaintiff NextGear Capital, Inc. ("Plaintiff"), and with the consent of Defendant Bank of Springfield ("Defendant"), by and through its undersigned attorneys, and respectfully requests a second extension of time to respond to Defendant's Motion to Dismiss. In support of the request, Plaintiff states as follows:

PARTIES

1. On October 10, 2018, Plaintiff filed its First Amended Complaint in the above captioned matter.
2. On November 6, 2018, Defendant filed a Motion to Dismiss Plaintiff's First Amended Complaint.
3. The Plaintiff's deadline to file a responsive pleading is currently December 4, 2018.
4. In order to research and properly prepare a responsive pleading, counsel for Plaintiff's require additional time.
5. Plaintiff requests seven (7) additional days up to and including December 11, 2018, in which to file a responsive pleading to Defendant's Motion to Dismiss.

6. Defendant's counsel has consented to Plaintiff's request for an extension of time.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting Plaintiff seven (7) additional days up to and including December 11, 2018, in which to file its responsive pleading and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

CARMODY MACDONALD P.C.

By: /s/ Spencer P. Desai
Spencer P Desai, #39877MO
120 South Central Avenue, Suite 1800
St. Louis, Missouri 63105
314-854-8600 Telephone
314-854-8660 Facsimile
spd@carmodymacdonald.com

Attorneys for Plaintiff NextGear Capital, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and complete copy of the foregoing was served on the 3rd day of December 2018 via the Court's ECF system upon all counsel of record.

/s/ Spencer P. Desai